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APR 16 2002

In re Application of
Hong, et al.
Application No. 09/724,388
Filed: November 28, 2000
Attorney Docket No.: 7682-051-999

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under 37 CFR § 1.137(b), filed January 11, 2002, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to respond in an appropriate and timely manner to the "Notice to File Missing Parts of Nonprovisional Application" mailed April 19, 2001, which set forth an extendable two (2) month period for reply. The Notice advised that the filing fee, proper oath or declaration, and \$130.00 surcharge were missing. On November 19, 2001, petitioner paid the outstanding fees and submitted a declaration. The petitioner obtained and extension of time within the fifth month. On December 3, 2001, a "Notice of Incomplete Reply" was mailed advising petitioner that the declaration was missing the signature of inventor Hong. The "Notice of Incomplete Reply" advised that period of time set for reply continued to run from the mailing date of the "Notice to File Missing Parts of Nonprovisional Application." No further responses were received within the allowable period, and the application became abandoned on November 20, 2001.

The request for an extension of time filed with the instant petition is noted, but cannot be granted. The request was made outside the maximum statutory period for reply which expired at midnight November 19, 2001.

Petitioner responded appropriately to the "Notice of Incomplete Reply" by filing a declaration executed by inventor Hong.

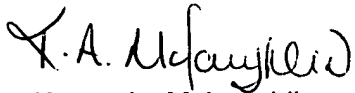
37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

The application is being forward to the Office of Initial Patent Examination for further processing.

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Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0010.



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